

Appl. No. : 10/090,060
Filed : March 1, 2002

SUMMARY OF INTERVIEW

As an initial matter, the Applicants would like to thank the Examiner for extending the courtesy of an interview to the Applicants' representatives, Caidian Luo, Linda H. Liu, and Jeremy P. Sanders on October 19, 2005.

During the interview, proposed claim amendments were discussed in light of the references cited by the Examiner in the office action mailed on July 8, 2005. The Examiner and the Applicants' representatives discussed amending the claims to further distinguish from the art of record. The Examiner suggested that the Applicants amend the claims to recite that the fibers are pretreated with a dispersant prior to being incorporated into the building material. By this paper, the Applicants have amended Claim 1 to include the amendments discussed with the Examiner and are now requesting reconsideration of the above-captioned application in light of the amended Claim 1 and the remarks contained herein.

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REMARKS

With this amendment, Claims 1-8 remain pending in the present application. By this paper, Claim 1 has been amended. The Applicants respectfully request reconsideration and allowance of the above-referenced application in view of the foregoing amendments and the following remarks.

As conveyed to the Examiner during the interview, the Applicants' invention, in one aspect, is directed to a building material incorporating fibers that are pretreated with a dispersant so that the pretreated fibers can be more readily dispersed in the building material. The dispersant binds the hydroxyl groups on the cellulose fibers before the fibers are added to the building material. The incorporation of cellulose fibers pretreated with a dispersant improves the fiber dispersibility in the cementitious material and requires less mechanical mixing action, especially in applications where the viscosity of the cement mixture is high. The improved dispersibility reduces fiber clumping in the building material, which in turn provides a building material with improved physical and mechanical properties.

Rejections – 35 U.S.C. §§102/103

Claims 1-8 are rejected under 35 U.S.C. §§102 (b) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious over U.S. Pat. No. 6,030,447 to Naji. The Examiner indicates that since Naji discloses adding a dispersant to a cementitious mixture containing fibers, it should anticipate or, in the alternative, render the pending claims obvious. However, the Applicants respectfully disagree with the Examiner in this regard and submit that nowhere in Naji does it teach or suggest a building material comprising cellulose fibers that are *pretreated* with a dispersant such that the dispersant binds the hydroxyl groups on the fiber surface *prior to the fibers being incorporated into the building material*. (See, e.g., Claim 1 as amended)

The Applicants further submit that fibers *pretreated* with a dispersant have a more thorough and uniform coverage of the dispersant binding the hydroxyl groups on the fiber surface. This allows the fibers to disperse more readily in a cementitious matrix and require less mechanical mixing action as compared to untreated cellulose fibers being added to a cement matrix along with a dispersant (See, e.g., Naji). The incorporation of pretreated cellulose fibers is particularly useful in cases where the cementitious mixture has a high viscosity which makes initial dispersing of the fibers particularly difficult. Further, the prior art provides no motivation

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to pretreat the fibers with a dispersant as the conventional practice is to incorporate one or more dispersants as part of an admix for a cementitious mixture.

Obviousness Type Double Patenting Rejection

Claims 1-8 remain rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-52, 1-72, and 1-78 of US Patent Nos. 6,676,745 to Merkley et al., 6,506,248 to Duselis et al. or 6,346,146 to Duselis et al. The Applicants respectfully disagree with the Examiner's obviousness type double patenting rejection, especially in view of the amendments made to Claim 1 in this paper. As discussed above, the Applicants submit that none of the above cited references disclose or suggest incorporation of cellulose fibers that are *pretreated* with a dispersant to a cementitious building material wherein the dispersant bind the hydroxyl groups on the fiber surface *prior to* the fibers being added to the building material. Accordingly, the Applicants submit that the pending claims are patentably distinct from the cited references and respectfully request the Examiner to withdraw the double patenting rejection.

CONCLUSION

In view of the foregoing, the Applicants respectfully submit that the above-referenced application is in condition for allowance and respectfully request the same. Should there be any additional issues that can be resolved by an examiner's amendment, the Examiner is respectfully requested to call the undersigned at the number shown below. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11/8/05

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